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TECH CENTER 1600/290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

VENTER et al.

Serial No. (to be assigned)

Filed: July 11, 2000

For:

DETECTION KITS, SUCH AS NUCLEIC ACID
ARRAYS, FOR DETECTING THE EXPRESSION OR
10,000 OR MORE DROSOPHILA GENES AND USES
THEREOF

Art Unit:

Examiner:

Atty. Docket: CL000728

**PETITION UNDER 37 CFR 1.183 TO SUSPEND RULES AND ALLOW
SUBMISSION OF SECTIONS OF APPLICATION ON CD-R FORMAT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant submits herewith a petition for suspension of the rules relating to submission of a patent application being submitted solely in paper form (hereinafter "The Petition").

Specifically, 37 CFR 1.2 states that "All business with the Patent and Trademark Office should be transacted in writing."

37 CFR 1.52 has statements relating to "papers" that are filed at the USPTO.

Other sections of 37 CFR have further indications that a patent application must be submitted in paper form only (except for the requirements of 37 CFR 1.821 (Sequence Listing)).

Applicant herewith petitions that the rules requiring the submission of the entire patent application in paper form be suspended and the present application, which contains a MS Word file and Sequence Listing file recorded on a CD-R (inscribed on the CD-R as CL000728CDA), be accepted as a complying application. All other relevant sections of the application are being submitted in paper form in accordance with the standards of 37 CFR 1.52 and other relevant regulations.

The files contained on the CD-R are recorded in either ASCII or Microsoft Word 97 format. A Detailed Description of the Files Contained on the CD-R is provided in the application.

Applicant will submit the information contained on the CD-R in paper copy if, any time during the pendency of the present application, the U.S. PTO deems it necessary to do so.

Please charge the petition fee of \$130.00 (fee code 122) under 37 CFR 1.17(h) to our Deposit Account No. 50-0970, under Order No. CL000728.

Respectfully submitted,

By: Robert A. Millman
Robert A. Millman
Reg. No. 36,217

Date: 7/11/2000

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